



## Appendix A

# NOTICE OF PREPARATION (NOP) AND COMMENTS TO THE NOP





# City of Carlsbad

## Planning Department

### Notice of Preparation

**Subject:** Notice of Preparation of a Draft Environmental Impact Report

**Lead Agency:**

**Agency Name:** City of Carlsbad, Planning

**Street Address:** 1635 Faraday Avenue

**City/State/Zip:** Carlsbad, CA 92008

**Phone:** (760) 602-4643

**Contact:** Jason Goff

**Email:** [jason.goff@carlsbadca.gov](mailto:jason.goff@carlsbadca.gov)

**Consulting Firm:**

**Firm Name:** Helix Environmental Planning, Inc.

**Street Address:** 7578 El Cajon Blvd., Suite 200

**City/State/Zip:** La Mesa, California 91942

**Phone:** (619) 462-1515

**Contact:** Kim Baranek

**Email:** [Kimb@helixepi.com](mailto:Kimb@helixepi.com)

The City of Carlsbad will be the Lead Agency and will prepare an Environmental Impact Report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. An initial study is not attached.

Due to the time limits mandated by State Law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to the City of Carlsbad (Attn: Associate Planner, Jason Goff) at the address shown above. We will need a contact person in your agency. A public scoping meeting will be held for this project on Tuesday, January 19, 2010 at 6:00 p.m. at the City of Carlsbad Faraday Center, Room 173-A, 1635 Faraday Avenue, Carlsbad, CA 92008.

**Project Title and Number:** EIR 09-02 – Plaza Camino Real Revitalization

**Project Applicant:**

Westfield, LLC

11601 Wilshire Boulevard, 11<sup>th</sup> Floor

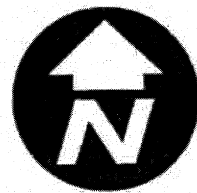
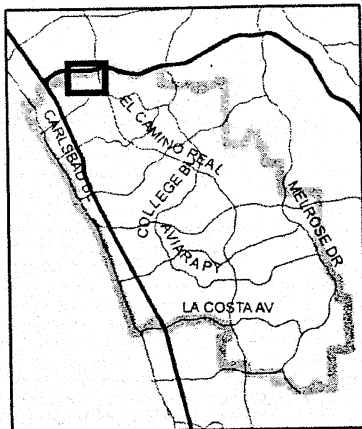
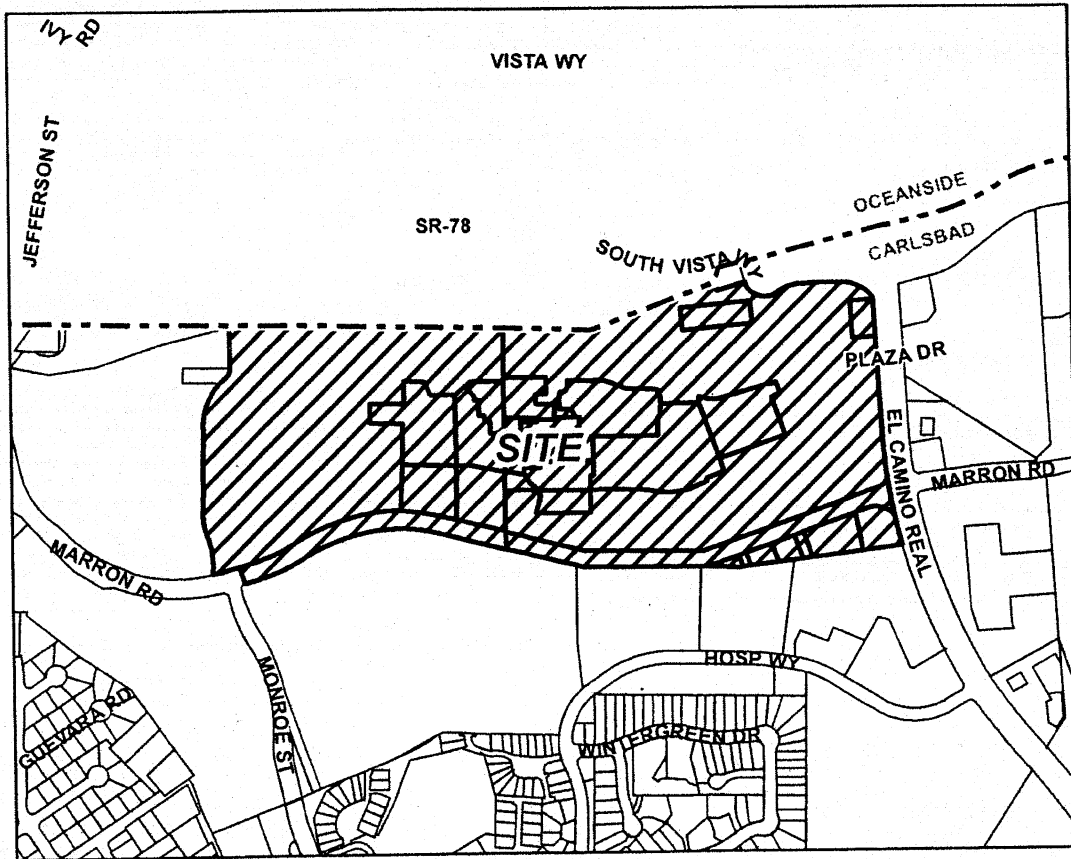
Los Angeles, CA 90025

DON NEU  
Planning Director

12-18-09

Date





NOT TO SCALE

# Plaza Camino Real Revitalization EIR 09-02 / SP 09-01 / SDP 09-04



# City of Carlsbad

## Planning Department

### PUBLIC NOTICE OF PREPARATION

PLEASE TAKE NOTICE:

The Planning Department of the City of Carlsbad intends to prepare an Environmental Impact Report for the following project:

**Project Title and Number:** EIR 09-02 – Plaza Camino Real Revitalization

**Project Description:** The proposed revitalization of the Plaza Camino Real regional shopping center involves the demolition, reconfiguration and/or reconstruction of approximately 179,631 square feet of existing square footage (mainly the existing Robinson's-May building), and the development of up to approximately 35,417 square feet of net new gross leaseable space, for a total of approximately 1,186,509 gross leasable square feet of regional shopping center uses.

The following permits and approvals are being requested with the EIR:

1. Specific Plan (SP 09-01): The Specific Plan will describe the existing developed regional shopping center, the proposed limited expansion, and will provide development standards, design criteria, and procedures for future development of Plaza Camino Real. The Specific Plan will include a full public facilities analysis within the framework of the Carlsbad Growth Management Plan. Subsequent development applications will be reviewed by the City for compliance with the Specific Plan. Future development proposals may require amendments to the Specific Plan or other discretionary approvals. The City Council will adopt the Plaza Camino Real Specific Plan (SP 09-01) by ordinance.
2. Site Development Plan (SDP 09-04): A Site Development Plan is proposed for the physical revitalization improvements and limited expansion area of the regional shopping center.
3. Tentative Tract Map. A Tentative Tract Map may be necessary in order to create air space ownership rights, new lots, adjust lot lines, and address other land ownership issues.
4. Precise Plan Amendment. The existing Plaza Camino Real Shopping Center was developed under a Precise Plan (PP 24). The existing Precise Plan (PP 24) and all other subsequent amendments (PP 24(A) - PP 24(J)) will be superseded by the above noted actions.
5. Ground Lease(s). Lease(s) of portions of the City-owned parking lot may be necessary for the proposed commercial outparcel pads.
6. Amendments to Real Estate Documents. Various real estate documents, including deeds and/or parking agreements, may need to be amended.



**Project Location:** The Plaza Camino Real project as described herein is 82.28 acres in size and is contained entirely within the boundaries of the Plaza Camino Real Regional Shopping Center and within the city limits of Carlsbad, CA. Specifically, it is located in the northwest quadrant of the city of Carlsbad, west of El Camino Real and south of Highway 78, Buena Vista Creek, and the city's boundary with the city of Oceanside. The southeast area of the property straddles the north and south sides of Marron Road, near the El Camino Real intersection (please see the attached vicinity map).

**Notice of Preparation (NOP):** This public comment period, known as the scoping process, helps determine the coverage, focus, and content of the EIR. Project decisions are not made during the scoping process initiated by this NOP.

**Potential Environmental Effects:** The key environmental considerations anticipated to be addressed in the EIR include: Aesthetics, Air Quality, Global Climate Change/Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use and Planning, Noise, Transportation/Traffic, and Utilities and Service Systems. Pursuant to Section 15128 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the remaining environmental considerations would be addressed in the "Effects Found not to be Significant" portion of the EIR.

The EIR will also include a discussion of reasonable alternatives to the proposed project. Pursuant to CEQA Guidelines Section 15126.6, alternatives will be developed that would avoid or lessen identified significant impacts of the proposed project, while feasibly attaining most of the basic objectives of the project.

We need to know your ideas about the effect this project might have on the environment and your suggestions for ways the project could be revised to reduce or avoid any significant environmental damage. Your ideas will help us decide what issues to analyze in the environmental review of this project.

**Public Comment:** The public may submit written comments on the scope of the EIR to Jason Goff, Associate Planner, at the City of Carlsbad Planning Department, 1635 Faraday Avenue, Carlsbad, CA 92008, or by fax to 760-602-8559, or by email to [jason.goff@carlsbadca.gov](mailto:jason.goff@carlsbadca.gov) *no later than Wednesday, February 4, 2010*. During the scoping process, the City will hold a public meeting to explain the scoping and overall environmental review process, present the project, and receive comments on the content of the EIR. The meeting will be held on Tuesday, January 19, 2010 at 6:00 p.m. at the City of Carlsbad Faraday Center, Room 173-A, 1635 Faraday Avenue, Carlsbad, CA 92008. Written and verbal comments may be given at this meeting.

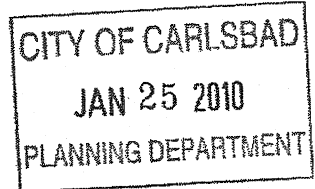
CASE NO: EIR 09-02/ SP 09-01/ SDP 09-04

PUBLISH DATE: January 5, 2010



## DEPARTMENT OF THE ARMY

Los Angeles District, Corps of Engineers  
San Diego Section, Carlsbad Field Office  
6010 Hidden Valley Rd., Suite 105  
Carlsbad, CA 92011



January 22, 2010

REPLY TO  
ATTENTION OF:

Office of the Chief  
Regulatory Division

Jason Goff  
City of Carlsbad, Planning  
1635 Faraday Avenue  
Carlsbad, California 92008

Dear Mr. Goff:

It has come to our attention that Westfield, LLC plans to demolish, reconfigure, and/or reconstruct approximately 179,631 square feet of existing shopping center, and to develop up to approximately 35,417 square feet of net new gross leaseable space, for a total of approximately 1,186,509 gross leasable square feet of regional shopping center uses northwest of the intersection of El Camino Real and Marron Road in the northwest quadrant of the City of Carlsbad, California, in the County of San Diego. This activity may require a U.S. Army Corps of Engineers (Corps) Department of Army permit.

A Corps permit is required for:

a) structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899. Examples include, but are not limited to,

1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;

2. dredging, dredge disposal, filling, and excavation;

b) the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;

2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing, and other excavation activities that would have the effect of destroying or degrading waters of the United States;

3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;

4. placing pilings when such placement has or would have the effect of a discharge of fill material;

c) the transportation of dredged or fill material by vessel or other vehicle for the purpose of dumping the material into ocean waters pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;

d) any combination of the above.

Information describing our regulatory program and a Department of Army permit application form can be found on the Los Angeles District Regulatory website at <http://www.spl.usace.army.mil/regulatory/>. If you have any questions, please contact Shanti Santulli of my staff at 760-602-4829 or via e-mail at Shanti.A.Santulli@usace.army.mil. Please refer to this letter and SPL-2010-00027-SAS in your reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'TCD', with a stylized flourish extending to the right.

Terry Dean  
South Coast Branch  
San Diego Section  
Regulatory Division  
U.S. Army Corps of Engineers



Linda S. Adams  
Secretary for  
Environmental Protection



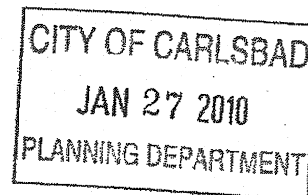
## Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

January 25, 2010



Mr. Jason Goff  
Associate Planner  
City of Carlsbad  
Planning Department  
1635 Faraday Avenue  
Carlsbad, California 92008  
jason.goff@carlsbad.gov

### NOTICE OF PREPARATION FOR A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PLAZA CAMINO REAL REVITALIZATION PROJECT, (SCH# 2010011004), SAN DIEGO COUNTY

Dear Mr. Goff:

The Department of Toxic Substances Control (DTSC) has received your submitted Initial Study and Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the above-mentioned Project. The following project description is stated in your document: "The proposed revitalization of the Plaza Camino Real Regional Shopping Center involves the demolition, reconfiguration and/or reconstruction of approximately 179,631 square feet of existing square footage (mainly the existing Robinson's-May building), and the development of up to approximately 35,417 square feet of net new gross leasable space, for a total of approximately 1,186,509 gross leasable square feet of regional shopping center uses. The project is 82.28 acres in size and is contained entirely within the boundaries of the Plaza Camino Real Regional Shopping Center and within the city limits of Carlsbad, California. Specifically, it is located in the northwest quadrant of the City of Carlsbad, west of El Camino Real and south of Highway 78, Buena Vista Creek, and the City's boundary with the City of Oceanside. The southeast area of the property straddles the north and south sides of Marron Road, near the El Camino Real intersection. All the required permits and approvals are being requested with the EIR". DTSC has the following comments:

- 1) The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or



potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
  - EnviroStor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
  - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
  - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
  - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
  - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
  - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
  - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No.11 below for more information.
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in

which hazardous substances were found should be clearly summarized in a table.

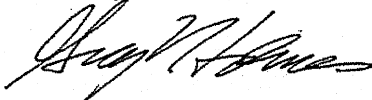
- 4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.
- 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 6) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

Mr. Jason Goff  
January 25, 2010  
Page 2

- 9) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.
- 10) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 11) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at [rahmed@dtsc.ca.gov](mailto:rahmed@dtsc.ca.gov) or by phone at (714) 484-5491.

Sincerely,



Greg Holmes  
Unit Chief  
Brownfields and Environmental Restoration Program  
Cypress Office

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
1001 I Street, 22nd Floor, M.S. 22-2  
Sacramento, California 95814  
[ADelacr1@dtsc.ca.gov](mailto:ADelacr1@dtsc.ca.gov)

CEQA# 2780

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11

4050 Taylor St., MS 240  
SAN DIEGO, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-4299  
TTY 1-800-735-2929



*Flex your power!  
Be energy efficient!*

January 27, 2010

11-SD-78  
PM 1.49  
SCH2010011004

Mr. Jason Goff  
City of Carlsbad  
Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

RE: NOP – Plaza Camino Real Revitalization

Dear Mr. Goff:

The California Department of Transportation (Caltrans) has reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Plaza Camino Real Revitalization Project located south of State Route 78 (SR-78) and east of Interstate 5 (I-5). Caltrans has the following comments:

The San Diego Association of Governments (SANDAG) and Caltrans are just getting underway with a SR-78 Corridor Study. SANDAG and Caltrans staff will work with North County jurisdictions, including Carlsbad, to coordinate a subregional study focusing on the SR-78 corridor. The study will assess the planned high occupancy vehicle (HOV) improvements and the ultimate corridor needs that would affect local planning decisions. Coordination with the SR-78 Corridor Study as part of this development's potential impacts and mitigation to SR-78 is recommended, and Caltrans looks forward to working with the City of Carlsbad towards a mutual vision for improving transportation and land use along the SR-78 corridor.

Please provide to Caltrans a copy of the traffic impact study (TIS) prior to the circulation of the DEIR. The TIS should assess the proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures. The study should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies* (TIS guide enclosed). Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide.

The LOS for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the

region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

All State-owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Caltrans Highway Design Manual, Topic 406, page 400-21.

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

The data used in the TIS should not be more than 2 years old.

Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in the traffic impact analysis. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable Level of Service (LOS). Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans

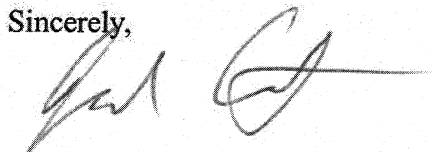
Mr. Jason Goff  
January 27, 2010  
Page 3

and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by the Caltrans. Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed.

If you have any questions or require further information, please contact Christian Bushong at (619) 688-2510.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jacob M. Armstrong', is written over the word 'Sincerely,'.

JACOB M. ARMSTRONG, Chief  
Development Review Branch

cc: State Clearinghouse



**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)

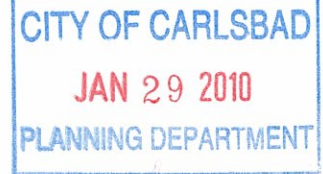


January 26, 2010

Mr. Jason Goff, Planner

**CITY OF CARLSBAD PLANNING DEPARTMENT**

1635 Faraday Avenue  
Carlsbad, CA 92008



Re: SCH#2010011004 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the EIR 09-02 – Plaza Camino Real Revitalization Project; located in the City of Carlsbad; San Diego County, California

Dear Mr. Goff:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources.. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604) The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within one-half mile of the APE – City Boundaries. However, there are Native American cultural resources in close proximity to the Hesperia City Limits.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11..

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]) et se),



36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. .

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton", is written over the typed name and title.

Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse



Native American Contacts  
San Diego County  
January 26, 2010

Barona Group of the Capitan Grande  
Edwin Romero, Chairperson  
1095 Barona Road Diegueno  
Lakeside, CA 92040  
sue@barona-nsn.gov  
(619) 443-6612  
619-443-0681

Mesa Grande Band of Mission Indians  
Mark Romero, Chairperson  
P.O Box 270 Diegueno  
Santa Ysabel, CA 92070  
mesagrandeband@msn.com  
(760) 782-3818  
(760) 782-9092 Fax

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center, CA 92082  
(760) 749-3200  
(760) 749-3876 Fax

Pauma & Yuima  
Christobal C. Devers, Chairperson  
P.O. Box 369 Luiseno  
Pauma Valley CA 92061  
paumareservation@aol.com  
(760) 742-1289  
(760) 742-3422 Fax

Santa Ysabel Band of Diegueno Indians  
Johnny Hernandez, Spokesman  
PO Box 130 Diegueno  
Santa Ysabel, CA 92070  
brandietaylor@yahoo.com  
(760) 765-0845  
(760) 765-0320 Fax

Rincon Band of Mission Indians  
Angela Veltrano, Rincon Culture Committee  
P.O. Box 68 Luiseno  
Valley Center, CA 92082  
council@rincontribe.org  
(760) 749-1051  
(760) 749-8901 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine, CA 92001  
(619) 445-0385

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775 Diegueno -  
Pine Valley, CA 91962  
(619) 709-4207

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106, and federal NAGPRA.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010011004; CEQA Notice of Preparation (NOP) for the EIR 09-02 - Plaza Camino Real Revitalization Project; located in the City of Carlsbad; San Diego County, California.

Native American Contacts  
San Diego County  
January 26, 2010

Inaja Band of Mission Indians  
Rebecca Osuna, Spokesperson  
2005 S. Escondido Blvd. Diegueno  
Escondido , CA 92025  
(760) 737-7628  
(760) 747-8568 Fax

Kupa Cultural Center (Pala Band)  
Shasta Gaughen, Assistant Director  
35008 Pala-Temecula Rd. PMB Box Luiseno  
Pala , CA 92059  
cupa@palatribe.com  
(760) 891-3590  
(760) 742-4543 - FAX

San Luis Rey Band of Mission Indians  
Russell Romo  
12064 Old Pomerado Road Luiseno  
Poway , CA 92064  
(858) 748-1586

Clint Linton  
P.O. Box 507 Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
(760) 803-5694  
cjlinton73@aol.com

Pauma Valley Band of Luiseño Indians  
Bennae Calac, Tribal Council Member  
P.O. Box 369 Luiseno  
Pauma Valley CA 92061  
bennaecalac@aol.com  
(760) 617-2872  
(760) 742-3422 - FAX

Mel Vernon, Chairperson  
San Luis Rey Band of Mission Indians  
1044 North Ivy Street Luiseno  
Escondido , CA 92026  
melvern@aol.com  
(760) 746-8692  
(760) 703-1514 - cell

San Luis Rey Band of Mission Indians  
Carmen Mojado, Co-Chair  
1889 Sunset Drive Luiseno  
Vista , CA 92081  
cjmojado@slrmissionindians.org  
(760) 724-8505  
(760) 724-2172 - FAX  
(760) 917-1736 - cell

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010011004; CEQA Notice of Preparation (NOP) for the EIR 09-02 - Plaza Camino Real Revitalization Project; located in the City of Carlsbad; San Diego County, California.

**From:** Diane Nygaard [mailto:dandd2@peoplepc.com]  
**Sent:** Tuesday, February 16, 2010 3:21 PM  
**To:** Jason Goff  
**Subject:** Comments on EIR 09-02 Scope-Plaza Camino Real RevitalizationI

Mr Goff

Please consider the following comments for the scope of the EIR for the Westfield Mall project:

- Please describe in detail the relationship of this project to the proposed project included in the City of Carlsbad's 2005-2010 Housing Element that includes 250 affordable housing units at the mall.

It appears that the proposed project assumes the continued use of some of the city owned land that the city is planning an alternative use for as shown in the HE. One of our concerns is that segregating these two projects could result in piecemealing of the environmental impacts. Please clarify this issue and explain the interrelationship and how this does not constitute piecemealing.

- Impact on Buena Vista creek

Creek hydrology has changed significantly since the original evaluation when this shopping center was built. The existing creek buffers are insufficient to protect the functions of the creek. Any expansion should include fixing the damage the original design caused to the creek- restoring adequate buffers and providing for connectivity to the upstream BVCER and downstream lagoon.

- Buena Vista Lagoon restoration

A major restoration of BV Lagoon has been in the planning stages for several years. The EIR needs to assess the impact of this project on all of the potential lagoon restoration alternatives.

- sewer lines

Sewer spills have caused significant damage along this and the adjacent reaches of BV Creek. Several sewer system improvements- by the cities of Oceanside, Vista, and Carlsbad have been proposed. Please identify all of these proposed system improvements in or near the project and how this project will impact them- or be impacted by them.

- master trail plan

The city has considered a pedestrian trail link that would connect the El Salto falls at the upper end of the Buena Vista Creek Valley all the way to the coast. Please include plans for such a pedestrian link through the project site and explain how access and security would be provided for pedestrians while not adversely affecting the riparian corridor through the project site.

- Marron Rd extension

The Circulation Element of the City of Carlsbad still shows the extension of Marron Rd through from El Camino Real to College. The acquisition of the Sherman property included no easements for such a road extension and it would have to go through hardline preserve land and is not likely to be approved. Please include alternatives in the traffic analysis that eliminate this planned extension of Marron Rd. Also the RDO intersection with # 78 is still questionable so the traffic study should be done both with and without this new interchange.

- El Camino Real highly congested corridor

The El Camino Real corridor through several north county cities, including the project area, has been highly congested for some time and was supposed to be the focus of a corridor study several years ago. Please include discussion of these prior efforts to reduce traffic in this corridor- and how this proposed land use is consistent with or in conflict with regional traffic improvement plans.

- alternative transportation

This project needs to include aggressive measures to reduce traffic impacts. This should include much more creative project design that integrates and encourages the use of alternative transportation. A comprehensive TDM Plan should be a required project mitigation- with bi-annual updates to assure that systems remain in place to reduce auto trips.

Thank you for considering these comments.

Diane Nygaard  
Preserve Calavera